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Written statement* submitted by the Al Mezan Centre for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Israel Entrenches its Illegal Annexation of Jerusalem and the Forcible Transfer of Palestinians*

The announcement made by the United States (US) on 6 December 2017 to move its embassy to Jerusalem and officially recognize Jerusalem as the capital of Israel, in stark violation of international law, consolidated its policy towards Israel's occupation of East Jerusalem and annexation of West Jerusalem. On 21 December 2017, in response to the US declaration, the United Nations (UN) General Assembly adopted resolution ES-10/19, with 128 countries in favour and nine against, declaring any action to alter the character of Jerusalem "null and void."1 The aforementioned resolution "affirms that any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City of Jerusalem have no legal effect [...] and must be rescinded in compliance with relevant resolutions of the Security Council."2 The resolution also calls on "states to refrain from the establishment of diplomatic missions in the Holy City of Jerusalem, pursuant to Council resolution 478 (1980)."3

While the international community articulated a clear position that condemned the US recognition of Jerusalem, the US government proceeded to relocate its embassy on 14 May 2018. In the aftermath of the relocation, Paraguay and Guatemala proceeded with the unlawful relocation of their own embassies to Jerusalem, while Romania and the Czech Republic (both member states of the European Union) and Honduras have also announced plans to relocate to Jerusalem. These unlawful moves not only serve to recognize Israel's illegal alteration in Jerusalem, entrenching Israel's illegal annexation of the city, they have also served to embolden Israel's forcible transfer of Palestinians from Jerusalem.

On 1 January 2018, the Israeli Parliament passed an amendment to the "Basic Law: Jerusalem, Capital of Israel". The amendment raises to 80 Knesset Members the majority needed to give up Israeli control over any part of Jerusalem. With the goal of achieving a Jewish demographic majority in the city, the Israeli government is planning to remove from Jerusalem's municipal jurisdiction Palestinian neighbourhoods already separated by the annexation wall, such as Kufr 'Aqab, Shu'fat Refugee Camp, and Anata, comprising some 140,000 Palestinians. The Israeli military has subsequently announced that it will take "security control" over these neighbourhoods. Meanwhile, the settlements of Ma'ale Adumim, Gush Etzion, Efrat, Beitar Illit, and Giv'at Ze'ev, amongst others in the Jerusalem periphery, containing approximately 150,000 settlers, are to be annexed and will act as sub-municipalities of Jerusalem, according to the so-called 'Greater Jerusalem' bills4 under consideration by Israel's Parliament.

In March 2018, the Israeli Parliament passed an amendment to the Entry into Israel Law (1952) that authorizes the Israeli Minister of Interior to revoke the Permanent Residency Status of Palestinian Jerusalemites claimed to have been involved in "terrorism" or who have allegedly committed acts that constitute "breach of loyalty". On 19 March, the Director of Land Registration at Israel's Ministry of Justice announced the mandatory opening of registration of lands in East Jerusalem whereas the Israeli cabinet approved the allocation of USD 14 million for land settlement process.5

Israel's Minister of Justice Ayelet Shaked was quoted as saying: "the start of land settlement of title and registration in East Jerusalem [is] a step toward promoting Israeli sovereignty and control over the city."6 She added that, "[t]he day before the strengthening of Jerusalem through the transfer of the American embassy to Jerusalem, and after decades of

1 UN General Assembly, General Assembly resolution ES-10/19, 21 December 2017.
2 *Ibid.*
3 *Ibid.*
4 Bill for the Jerusalem and Its Daughters Law, P/20/4386; Bill for the Jerusalem and Its Daughters Law – 2017 [5778], P/20/4109; and Proposed Greater Jerusalem Law, P/20/4158.
5 Khalil Tofakji, The Department of Maps and Geographic Information Systems at the Arab Studies Society, 20 March 2018.
6 Ynet News, "Government allocates NIS 2.5 billion to bolster Jerusalem", 13 May 2018, available at: https://www.ynetnews.com/articles/0,7340,L-5259682,00.html.

Israeli sovereignty in eastern Jerusalem, we are strengthening the city and actually applying sovereignty through the program of land regulation in East Jerusalem".7

This policy violates Palestinian rights and breaches international humanitarian law, whereas this situation almost always results in the conversion of lands into "state property" due to lack of availability of "proof of ownership" by Palestinian current landowners. This will also allow the re-implantation of the Absentee Property Law, which allows the state to seize, manage, lease, transform, and sell the properties of Palestinians who are declared "absentees".8

On 13 May 2018, the Israeli cabinet voted to allocate USD 56 million9 to compel Palestinian schools, through financial incentives, to teach the Israeli curriculum. The Israeli Ministry of Education approved a plan in March 2018 to only provide financial support to schools that teach the Israeli curriculum in East Jerusalem, as part of the "Israelization" of East Jerusalem education, implemented since the start of its occupation. The Israeli cabinet also earmarked USD 13.1 million for excavations in the neighbourhood of Silwan, which according to the remarks accompanying the plan, will continue the "research and development of sites in ancient Jerusalem via ongoing government activity."10

Israel's Annexationist Policies and Practices in Annexed Jerusalem

Israel has used its domestic law and institutions to unlawfully alter the character, status, and demographic composition of Jerusalem in favour of an Israeli-Jewish majority, including through the forcible transfer of Palestinians.

- Since early 2018, Israel has pressed ahead with the construction of at least 3,811 settlement outposts on West Bank land, including, at least 32 in Jerusalem.11

- Currently over 210,000 Israeli settlers reside in 15 settlements inside occupied East Jerusalem,12 in violation of international law. Settlers harass Palestinian residents, often serving as the cause of forced evictions, and abuse them, including through violence, whilst under the protection of contracted private security firms. Israeli police, who themselves rampantly harass, arrest, and abuse Palestinians in Jerusalem, do little to interfere, prevent, or investigate these occurrences.

- Since 1967, approximately 14,630 Palestinians have had their residency status revoked,13 and in conjunction with the continued Israeli occupation of East Jerusalem, approximately 76% of Palestinians live in poverty, with rates as high as 83.4% amongst Palestinian children.14

- There is a shortage of 2,247 classrooms in Palestinian schools15 due to restrictions on building, while the Palestinian education system suffers from chronic understaffing linked with Israel's denial of permits that would allow Palestinian teachers from the rest of the West Bank to teach in East Jerusalem.

- As of 2017, an estimated 33% of Palestinian children in Jerusalem do not complete 12 years of education.16

- Palestinians are further prevented from developing their part of the city, as Israel imposes severe building and permit restrictions. Nearly 40% of East Jerusalem homes have been built without permits, rendering them

7 Haaretz, "Cabinet Approves Billions to Ramp Up Israeli Sovereignty in East Jerusalem", 17 May 2018, available at: https://www.haaretz.com/israel-news/.premium-cabinet-oks-billions-to-ramp-up-israeli-sovereignty-in-e-j-lem-1.6078168.
8 Absentee Properties Law 5710 – 1950, available at: https://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/04-Absentees-Property-Law-1950.pdf
9 Supra note 7.
10 France 24, "Israeli cabinet allocates $2 billion to expand sovereignty in East Jerusalem", 14 May 2018, available at: https://www.i24news.tv/en/news/israel/174662-180514-israeli-cabinet-allocates-2-billion-to-expand-sovereignty-in-east-jerusalem
11 Department of Maps and Geographic Information Systems at the Arab Studies Society, Database, 17 May 2018.
12 Khalil Tofakji, Settlement in Jerusalem, 1 September 2017, available in Arabic at: https://drive.google.com/file/d/1PQGZ1oHiWTtSh1k6_CS10OSObHo-pitm/view.
13 HaMoked, "Quiet Deportation", 10 April 2018, available at: http://www.hamoked.org/Document.aspx?dID=Updates1975.
14 ACRI, "East Jerusalem 2017: Facts and Figures", 12 May 2017, available at: https://www.acri.org.il/en/wp-content/uploads/2017/05/Facts-and-Figures-2017.pdf.
15 *Ibid.*
16 Supra note 14.

vulnerable to demolitions and placing the families under threat of displacement. Between 2004 and 2018, 807 structures were demolished, displacing 2,880 Palestinians, including 1,510 children.17

- Since November 2014, out of 61 homes punitively demolished and sealed across the OPT, 16 homes were in occupied East Jerusalem, displacing 63 Palestinians therein.18

Accordingly, we call on the member states of the UN Human Rights Council to:

i. Refrain from directly or indirectly recognizing, or assisting Israel's practices of unlawful annexation of Jerusalem;

ii. Take effective steps to end Israel's annexation of Jerusalem and occupation of East Jerusalem and the rest of the occupied Palestinian territory, in line with their obligations as third states;

iii. Demand that the international community fulfil its obligations under international law to ensure that Israel respects international humanitarian law in the occupied Palestinian territory, notably under Common Article 1 to the Geneva Conventions, and take measures to end all forms of collective punishment, including punitive house demolitions, imposed on the protected Palestinian population therein;

iv. Intervene immediately to prevent Israel from applying the announced 'land settlement of title and registration policy', which will result in the permanent appropriation of Palestinian land by Israel in flagrant violation of international law; and

v. Call on the Office of the High Commissioner for Human Rights to make public the database of businesses illegally operating in and profiting from Israeli settlements in the occupied Palestinian territory, including in and around occupied East Jerusalem, as a step towards accountability and ending corporate complicity in Israel's unlawful settlement enterprise.19

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*Civic Coalition for Palestinian Rights in Jerusalem, NGO without consultative status, also shares the views expressed in this statement.

17 Statistics from Al-Haq's Monitoring and Documentation Department, available at: http://www.alhaq.org/images/thumbnails/images/stories/Images/House%20demolition%20statement_Final%205%20March%202018.pdf.

18 Ibid.

19 In its March 2016 session, the UN Human Rights Council adopted resolution 31/36 which aims to produce a database of companies doing business in Israeli settlements to highlight corporate complicity in the Israeli occupation.